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Attorneys for Plaintiffs  
JACKSON FAMILY WINES, INC. and  
LC TM HOLDING LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACKSON FAMILY WINES, INC. and  
LC TM HOLDING, LLC,

Plaintiffs,

v.

DIAGEO NORTH AMERICA, INC. and  
DIAGEO CHATEAU & ESTATE WINES CO.,

Defendants.

) Case No. CV-11-5639 (EMC) (JSC)

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**DECLARATION OF BRENDAN J.  
HUGHES IN SUPPORT OF  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

**JUDGE EDWARD M. CHEN**

1 I, Brendan J. Hughes, declare:

2 1. I am a partner with the law firm Cooley LLP, counsel for Jackson Family Wines,  
3 Inc. and LC TM Holding, LLC (collectively, "JFW"). Based on my representation of JFW, I  
4 have knowledge of the facts set forth in this declaration and testify as follows.

5 2. Pursuant to the Stipulated Protective Order, the parties designated the following as  
6 "Confidential" or "Highly Confidential – Outside Counsel Only:"

- 7 • Exhibit C to Plaintiffs' Motion *in Limine* No. 1;  
8 • Exhibit 1 to Defendants' Opposition to Plaintiffs' Motion *in Limine* No. 2;  
9 • Exhibits 1, 2, 3, 4, and 5 to Plaintiffs' Motion *in Limine* No. 4; and  
10 • Exhibits 1, 2, and 3 to Defendants' Opposition to Plaintiffs' Motion *in Limine* No.  
11 4.

12 3. Exhibit C to Plaintiffs' Motion *in Limine* No. 1 constitutes confidential deposition  
13 testimony of Ms. Judith Schvimmer, Vice President, Legal Counsel of Jackson Family  
14 Enterprises. In the selected testimony, Ms. Schvimmer discussed Plaintiffs' confidential  
15 trademark prosecution and enforcement policies. Good cause exists to file this testimony under  
16 seal as it contains information that, if publicly disclosed, could cause competitive harm to  
17 Plaintiffs by providing third parties with access to Plaintiffs' intellectual property enforcement  
18 strategies.

19 4. Exhibit 1 to Defendants' Opposition to Plaintiffs' Motion *in Limine* No. 2  
20 constitutes a confidential demand letter to a third party. Good cause exists to file the demand  
21 letter under seal. The letter contains confidential settlement terms, the public disclosure of which  
22 could cause competitive harm to Plaintiffs by providing third parties with access to sensitive  
23 business information and potentially giving such third parties an unfair advantage in their  
24 dealings with Plaintiffs.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 knowledge and belief.

3  
4 Dated: January 30, 2014

5  
6 /s/ Brendan J. Hughes

BRENDAN J. HUGHES (*pro hac vice*)

7 Attorney for Plaintiffs  
8 JACKSON FAMILY WINES, INC. and  
9 LC TM HOLDING, LLC

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